

REMARKS

Claims 21-43 are pending after entry of this paper. Claims 21-43 have been rejected. Claims 1-20 have been cancelled without prejudice. Applicant reserves the right to pursue withdrawn and cancelled claims in a divisional or continuing application.

Claims 32 and 36 have been amended to add a semi-colon.

No new matter has been introduced by these amendments. Reconsideration and withdrawal of the pending rejections in view of the above claim amendments and below remarks are respectfully requested.

Response to Rejections under 35 U.S.C. §103

Claims 21-25, 27-28, 31-32, and 35-43 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,161,095 to Brown in view of U.S. Patent No. 5,642,731 to Kehr. Applicant respectfully disagrees.

The Examiner admits that Brown does not explicitly teach generating, by a patient, a record of the patient's unforeseen self administration of a medical treatment, nor does Brown teach sending the generated record of the unforeseen self administration to a doctor who provides medical services to the patient. Kehr has been combined with Brown in order to teach the deficiencies of Brown.

However, Kehr relates to device where information from a physician or pharmacist is transmitted to the microprocessor of the device for storage in the memory of the microprocessor, and similarly, the user can download the previously stored information from the memory of the microprocessor to the computer of the physician, pharmacist, etc. (see, Col. 6,

lines 55-64). Applicant further directs the Examiner's attention to col. 7, lines 2-9, which indicates that the uploaded information may be displayed in response to the information that was downloaded. Contrary to the claimed invention, the user information is not added to a database, nor is the information sent directly to a doctor who provides medical services to the patient. Col. 7, lines 45-60 further lists the information which may be uploaded into the device. Therefore, contrary to the Examiner's contention that the combination of Brown and Kehr makes obvious the claimed invention, applicant respectfully asserts that Kehr does not remedy the deficiencies of the Brown reference. Specifically, in the claimed invention, the user information is added to the database and sent directly to a doctor who provides medical services to the patient and to alert the doctor about the unforeseen self-administration of a medical treatment. Reconsideration and withdrawal of the §103 rejection to claims 21-25, 27-28, 31-32, and 35-43 are respectfully requested for the above reasons.

Dependent Claims

The applicant has not independently addressed all of the rejections of the dependent claims. The applicant submits that for at least similar reasons as to why independent claim(s) 21, 32, 36, and 40 from which all of the dependent claims 22-31, 33-35, 37-39, and 41-43 depend are believed allowable as discussed *supra*, the dependent claims are also allowable. The applicant however, reserves the right to address any individual rejections of the dependent claims and present independent bases for allowance for the dependent claims should such be necessary or appropriate.

Thus, applicant respectfully submits that the invention as recited in the claims as presented herein is allowable over the art of record, and respectfully request that the respective rejections be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4297-4017.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4297-4017.

Respectfully submitted,
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